

EXHIBIT 1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SPHERE 3D CORP.,

Plaintiff,

-against-

GRYPHON DIGITAL MINING, INC.

Defendant.

Case No. 1:23-cv-02954

**PLAINTIFF SPHERE 3D CORP.’S FIRST AMENDED SET OF REQUESTS FOR
PRODUCTION OF DOCUMENTS**

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure and the Local Rules of this Court, Plaintiff Sphere 3D Corp. (“Sphere”) through its undersigned counsel submits its first set of Requests for Production of Documents to Defendant Gryphon Digital Mining, Inc. (“Gryphon”).

In accordance with the definitions and instructions set forth further below, You are directed to produce the following documents. Your responses to these Requests for Production of Documents (the “Requests”) must be served on the undersigned counsel at 31 East 62nd Street, New York, NY 10065 or a place we so designate.

DEFINITIONS

1. As used in these Requests, the term “the Complaint” refers to the Complaint filed in this Lawsuit on April 7, 2023.
2. As used in these Requests, the term “the Counterclaim” refers to the Answer and Counterclaim filed in this Lawsuit.

answer is not provided.

13. These Requests are continuing in nature and require supplemental or additional responses if Gryphon comes to believe its answer is inaccurate or incomplete.

14. The period covered by these document requests is from August 19, 2021 through the present, except as otherwise specifically provided.

REQUESTS FOR PRODUCTION OF DOCUMENTS

Request No. 1

Produce all Documents and Communications related to any services You provided to Sphere, including without limitation any Communications with any third-parties regarding such services.

Request No. 2

Produce all Documents and Communications related to the MSA, including without limitation its negotiation and amendments thereto and their negotiation, from June 1, 2021, through present.

Request No. 3

Produce all Documents and Communications related to Your internal policies and procedures, including without limitation those related to the handling of digital assets and Your internal controls.

Request No. 4

Produce all Documents and Communications related to Your efforts to secure hosting for Sphere's miners, including without limitation any Communications with any provider of hosting regarding space availability, time availability, and pricing.

Request No. 5

Produce all Documents and Communications related to Your efforts to secure hosting for Gryphon's miners, including without limitation any Communications with any provider of hosting regarding space availability, time availability, and pricing.

Request No. 6

Produce all Documents and Communications related to any interactions You had with the U.S. Customs and Border Protection agency in connection with Sphere, including without

limitation all Communications related any shipment of miners held by the U.S. Customs and Border Protection agency in July and August 2022.

Request No. 7

Produce all Documents and Communications related to Your efforts to ensure the operation of Sphere's miners.

Request No. 8

Produce all Documents and Communications related to Your efforts to ensure the operation of Gryphon's miners.

Request No. 9

Produce all Documents and Communications related to the calculation of any payment or consideration due to Sphere under the MSA.

Request No. 10

Produce all Documents and Communications related to the calculation of any payment or consideration due to Gryphon under the MSA.

Request No. 11

Produce all Documents and Communications relating to any instruction by Sphere to sell digital assets.

Request No. 12

Produce all Documents and Communications related to Your review of invoices in connection with the provision of any services to Sphere.

Request No. 13

Produce all Documents and Communications related to any third party You interfaced with in connection with providing services to Sphere.

Request No. 14

Produce all Documents and Communications related to Sphere's business relationships with any third party.

Request No. 15

Produce all Documents and Communications related to the selection of mining pools for Sphere, including without limitation any strategies employed.

Request No. 16

Produce all Documents and Communications related to the selection of mining pools for Gryphon, including without limitation any strategies employed.

Request No. 17

Produce all Documents and Communications related to any wallets or other similar repositories maintained for Sphere's benefit.

Request No. 18

Produce all Documents and Communications related to any wallets or other similar repositories maintained for Gryphon's benefit.

Request No. 19

Produce all Documents and Communications related to any digital assets or other revenues generated for Sphere's benefit.

Request No. 20

Produce all Documents and Communications related to any digital assets or other revenues generated for Gryphon's benefit.

Request No. 21

Produce all Documents and Communications related to the hosting of Sphere's miners at Core.

Request No. 22

Produce all Documents and Communications related to the hosting of Gryphon's miners at Core.

Request No. 23

Produce all Documents and Communications related to any treasury management strategy employed on behalf or for the benefit of Sphere.

Request No. 24

Produce all Documents and Communications related to any treasury management strategy employed on behalf or for the benefit of Gryphon.

Request No. 25

Produce all Documents and Communications related to the filing of any proof of claim in any bankruptcy proceeding filed by Core.

Request No. 26

Produce all Documents and Communications related to any attempt to protect the rights of Sphere in any bankruptcy proceeding filed by Core.

Request No. 27

Produce all Documents and Communications related to any payment or nonpayment of Sphere's third-party hosts, including without limitation Rebel Mining Co. and Lancium.

Request No. 29

Produce all Documents and Communications related to Foundry in connection with Gryphon providing services to Sphere.

Request No. 30

Produce all Documents and Communications related to any effort to mitigate any harm You allege Sphere caused You.

Request No. 31

Produce all Documents and Communications relating to any alleged breach of the MSA by Sphere and the impact on Gryphon.

Request No. 32

Produce all Documents and Communications related to Sphere and the allegations in the Complaint and Your Counterclaim from June 1, 2021, through the present.

Request No. 33

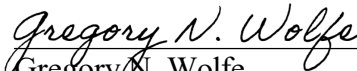
Produce all Documents and Communications on which You intend to rely or introduce into evidence in connection with any deposition, hearing, or the trial in this Lawsuit.

CERTIFICATE OF SERVICE

I hereby certify that on March 25, 2024, the foregoing Plaintiff Sphere 3D Corp.'s First Amended Set of Requests For Production was served by email on the following counsel for Defendant Gryphon Digital Mining, Inc. in the action Sphere 3D Corp. v. Gryphon Digital Mining, Inc., Case No. 1:23-cv- 02954 in the U.S. District Court for the Southern District of New York:

Dennis H. Tracey, III
Elizabeth C. Carter
William Winter

Hogan Lovells
390 Madison Avenue
New York, NY 10017
(212) 918-3000
Dennis.tracey@hoganlovells.com
Elizabeth.Carter@hoganlovells.com
William.Winter@hoganlovells.com



Gregory N. Wolfe